UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,572	12/17/2001	Joey Chow	53921/168	6250

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CANADA

EXAMINER
NGUYEN, CINDY

ART UNIT	PAPER NUMBER
2171	

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/015,572	CHOW ET AL.
	Examiner	Art Unit
	Cindy Nguyen	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

This is in response to application filed on December 17, 2001 in which claims 1-18 are presented

for examination.

1.   Priority(IDS)

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d),

which papers have been placed of record in the file.

2.   Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Guha (U.S 5699369).

Regarding claims 1 and 11, Guha discloses: A source selection system for a

communication switch for selecting a primary datasource from a plurality of datasources, said

system comprising:

a validation module (202, fig. 8 and corresponding text, Guha) associated with said

plurality of datasources adapted to monitor each datasource of said plurality of datasources for

transmission errors in output originating from said each datasource and adapted to provide

information relating to said transmission errors (col. 28, lines 28-66, Guha);

a source selector (212, fig. 8 and corresponding text, Guha) associated with said

validation module and said plurality of datasources, said source selector adapted to select, an

output datasource from said plurality of datasources (col. 29, lines 15-24, Guha); and

an assessment module associated with said validation module adapted to identify said

primary datasource from said plurality of datasources utilizing said information provided by said

validation module and adapted to cause said source selector to select said output datasource

associated with said primary datasource (214, fig. 8 and corresponding text, Guha).

Regarding claim 12, all the limitations of this claim have been noted in the rejection of

claim 1 above. In addition, Guha discloses: further comprising the step of outputting data from

said primary datasource identified (col. 29, lines 25-50, Guha).

4.   *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art
> to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 2-10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Guha (U.S 5699369) in view of de Bruijn et al. (U.S 5428745).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of

claim 1 above. However, Guha didn't disclose: wherein said validation module comprises a

plurality of validation sub-modules, each one of said plurality of validation sub-modules associated with one of said plurality of datasources. On the other hand, Bruijn discloses: wherein said validation module comprises a plurality of validation sub-modules, each one of said plurality of validation sub-modules associated with one of said plurality of datasources (col. 30, lines 26-44, Bruijn). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include plurality of validation sub-modules, each one of said plurality of validation sub-modules associated with one of said plurality of datasources in the system of Guha as taught by Bruijn. The motivation being to enable the system connects the other subsystem for using to detect whether or not reflective memory updates are not accruing or detect if the front end computer has stopped receiving data from either of the process control computers.

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 12 above. In addition, Guha/Bruijn discloses: further comprising the step of gathering information relating to health of said each datasource (col. 8, lines 11-20, Bruijn).

Regarding claims 3 and 14, all the limitations of these claims have been noted in the rejection of claims 2 and 13 above. In addition, Guha/Bruijn discloses: wherein said validation module performs an integrity check on data transmitted by said each datasource to provide information relating to transmission errors for said each datasource (col. 25, lines 27-33, Guha).

Regarding claims 4 and 15, all the limitations of these claims have been noted in the rejection of claims 3 and 14 above. In addition, Guha/Bruijn discloses: wherein said assessment module evaluates severity of said transmission errors provided in said information and causes said source selector to select said output datasource associated with said primary datasource based on said severity of said transmission errors for said each of said plurality of datasources (col. 28, lines 28-53, Guha).

Regarding claims 5 and 16, all the limitations of these claims have been noted in the rejection of claims 4 and 15 above. In addition, Guha/Bruijn discloses: wherein said integrity check on said data. comprises a parity check and a cyclic redundancy check (col. 14, lines 29-48, Guha).

Regarding claims 6 and 17, all the limitations of these claims have been noted in the rejection of claims 5 and 16 above. In addition, Guha/Bruijn discloses: wherein said integrity check is performed on a payload portion of said data (col. 25, lines 62 to col. 26, lines 8, Guha).

Regarding claims 7 and 18, all the limitations of these claims have been noted in the rejection of claims 6 and 17 above. In addition, Guha/Bruijn discloses: wherein said integrity check is performed on a header portion of said data (col. 25, lines 27-33, Guha).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 7 above. In addition, Guha/Bruijn discloses: wherein said communication switch

comprises a plurality of output cards and an input card, said each one of said plurality of

datasources originating from one of said plurality of output cards and said source selector

operating at input to said input card (col. 19, lines 43-58, Guha).

Regarding claim 9, all the limitations of this claim have been noted in the rejection of

claim 8 above. In addition, Guha/Bruijn discloses: wherein at least one of said output cards

comprises a component and said integrity check is performed upon said data being received by

said component in said at least one of said output cards of said communication switch (col. 14,

lines 12-48, Guha).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of

claim 9 above. In addition, Guha/Bruijn discloses: wherein said source selector is a multiplexer

(col. 29, lines 25-51, Guha).

6.   Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Larsson et al. (U.S 6201811). Transferring identifier information in a

telecommunications system.

Sederlund et al. (U.S 5568615). Stealth interface for process control computers.

Van Huben et al. (U.S 5950201). Computerized design automation method using a single logical PFVL paradigm.
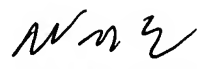
7.   *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cN

Cindy Nguyen
December 23, 2003

WAYNE AMSBURY
PRIMARY PATENT EXAMINER